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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,664	03/21/2001	William D. Schroeder	01066	3632

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JOSEPH S. HEINO, ESQ.
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN
SUITE 1400
MILWAUKEE, WI 53202-6613

EXAMINER	
NGUYEN, CUONG H	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/813,664	SCHROEDER, WILLIAM D.	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is the answer to the response received on 9/22/2004, which paper has been placed of record.

2. Claims 1-14 are pending in this application.

Response

3. The examiner withdraws the requirement for restriction mailed on 4/22/2004 on claimed method and system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 4-6, 8-10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US 6,625,581).

A. Per claims 1, 4-5, 8-9, and 12:

These claims are directed to a subject matter of: increasing the efficiency by which images of consumer products are delivered to a browser from an image file server on the Internet, such products being assigned an identification number in accordance with a numbering system, comprising:

- old and well-known steps of: providing a server which is connected to the Internet; uploading an image to said server;

storing said image based on its related identification number and an image size (it is obvious to store an object based on sequential/ordered number and size);

Perkowski teaches about assigning a URL to said image based upon the identification number/UPC and image size (see Perkowski, 16:32-55; Perkowski also teaches that a user can select images have different sizes, i.e., thumb-nail or large size photo-images), thereby creating a unique URL for each said image (see Perkowski, col.85 line 56 to col.86 line 10, and 105:22-37).

The following communications on the Internet between a browser and a server are old and well-known because they comprise steps of using available means to sending a request, and receiving response from the Internet: sending a URL request to the e-commerce server from said browser; sending a file response to the browser from said e-commerce server; sending a request to the image file server from the browser in accordance with the file response received from said e-commerce server; sending an image file from the image file server to the browser; and displaying a web page containing the image file received from the image file server.

B. Per claims 2, 6, 10, and 13:

Perkowski's patent teaches about increasing the efficiency by which images of products are delivered to web pages wherein

each image has selectable sizes (Perkowski teaches that a user can select images have different sizes, i.e., thumb-nail or large size photo-images).

5. **Per claims 3, 7, 11, and 14:**

Perkowski suggests that product manufacturers provide the revenue stream for operating an UPC image server system (see Perkowski, "UPC REQUEST TM. System will generate revenue from Manufacturer Fees paid by manufacturers who want to register their products and product-related Web pages with the UPC REQUEST.TM".

It would have been obvious to one with ordinary skill in the art to implement Perkowski's system with the fundamental functions of product manufacturers provide the revenue in computer uses because this would promote a manufacturer's product to a consumer; thereby a consumer saves effort in locating a specific product in the Internet.

Conclusion

6. Claims 1-14 are not patentable.

7. Remarks on combining references:

In re **Bozek**, 163 USPQ 545 (CCPA 1969):

The test for obviousness is not whether the features of one reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art. In re Mapelsden, 51 CCPA 1123, 329 F.2d 321, 141

USPQ 30 (1964). In re Henley, 44 CCPA 701, 239 F.2d 3, 112 USPQ 56 (1956).

In re **Richman**, 165 USPQ 509 (CCPA 1970):

The question in a rejection for obviousness on a combination of references is what the secondary reference would teach one skilled in the art and not whether its structure could be bodily substituted in the basic reference structure.

In re **Van Beckum**, 165 USPQ 47 (CCPA 1971):

We would note that it is well settled that the test of obviousness is not whether the features of one reference can be bodily incorporated into the structure of another and proper inquiry should not be limited to the specific structure shown by the references, but should not be limited to the specific structure shown by the references, but should be into the concepts fairly contained those concepts would suggest to one skilled in the art the modifications called for by the claims.

In re **Henley**, 112 USPQ 56 (CCPA 1956):

The issue lies in what the combination of references makes obvious to the person of ordinary skill and not whether a feature of one reference can be bodily incorporated in the other too produce the subject matter claimed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H.

NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuonghnguyen

CHN
CUONG H. NGUYEN
Primary Examiner
Art Unit 3661